



PLANNING COMMISSION AGENDA

Wednesday, November 29, 2006

6:30 p.m. Regular Meeting

Room W-118 / 119

City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair

James Zito, Vice-Chair

Dang T. Pham Bob Dhillon

Christopher Platten

Ash Kalra Matt Kamkar

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, November 29, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

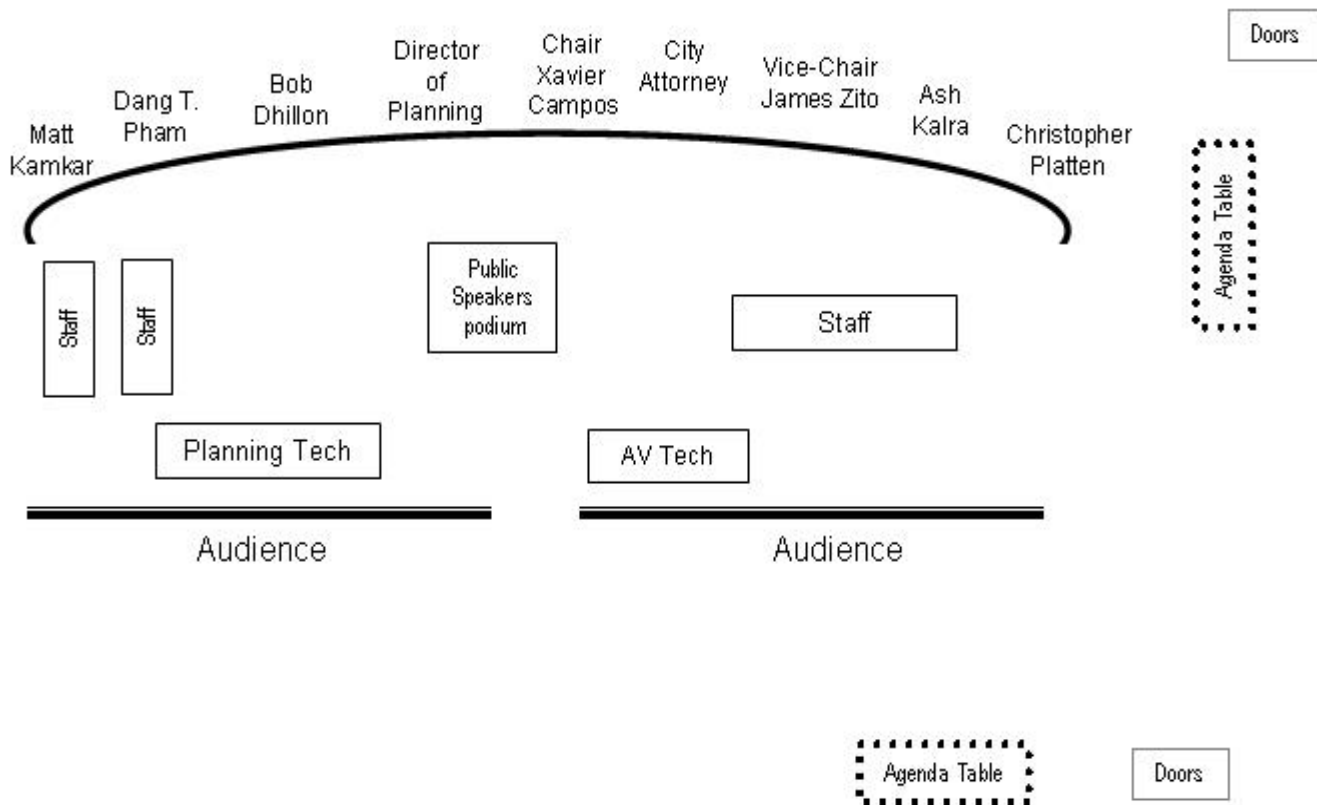
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP06-049](#). Conditional Use Permit to allow the 24-hour-a-day operation of an indoor recreation use (24 Hour Fitness Center), the construction of new interior mezzanines within an existing tenant space and a shared parking arrangement for an existing shopping center on a 10.2 gross acre site in the CN - Commercial Neighborhood Zoning District located on the south side of Curtner Avenue, between Almaden Road and Almaden Expressway (Willow Glen Plaza) (2306 Almaden Road) (Kovalik Joseph W Trustee, Owner; 24 Hour Fitness Andras Dalos, Developer). Council District 6. SNI: None. CEQA: Exempt. Deferred from 11-15-06.

Staff Recommendation:

Approve a Conditional Use Permit to allow the 24-hour-a-day operation of an indoor recreation use (24 Hour Fitness Center), the construction of new interior mezzanines within an existing tenant space and a shared parking arrangement for an existing shopping center as recommended by Staff.

The following items are considered individually.

4. **PUBLIC HEARINGS**

- a. Review and Recommendation of the Strong Neighborhoods Initiative Blackford Improvement Plan Amendment to the City Council. Council District 1. SNI: Blackford. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71042.

Staff Recommendation:

Staff recommends that the Planning Commission forward to the City Council a recommendation to: (1) Consider the Environmental Impact Report and find it in conformance with CEQA; (2) approve the Strong Neighborhoods Initiative Blackford Neighborhood Improvement Plan Amendment as the community/City vision for the future of the Blackford area; (3) authorize the Administration to direct the City Departments and Agencies with implementation responsibilities to begin their respective activities, including the general oversight of the implementation of the Plan by the Redevelopment Agency; and (4) encourage the Blackford area property owners, residents, and community members to dedicate their time, energy, and resources to implement the recommendations of the Plan and this Amendment while continuing with their community-building activities.

- b. [PDC05-030](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to: 1) allow up to 400 additional multi-family attached residences (1,601 total units if a second hotel is not built) or up to 210 additional dwelling units (1,411 total units if the second hotel is built); 2) allow an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; 3) allow up to 20,000 square feet of currently permitted general retail/commercial space to be replaced with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses; and 4) reduction in required parking on the 40.79 gross acre Santana Row site, located at/on the southeast corner of Stevens Creek and South Winchester Boulevard (3055 OLIN AV) (FRIT San Jose Town & Country Village Llc, Owner/Developer). Council District 6. SNI: None. CEQA: Addendum to Final EIR.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- c. [TR06-098](#). APPEAL of the Planning Director's decision to deny a Tree Removal Permit to remove one Monterey Pine tree (67 inches in circumference) on 0.13 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located on the south side of Fuller Avenue, approximately 100 feet east of Bird Avenue (574 FULLER AV) (LONGINETTI ROBERT L TRUSTEE, Owner). Council District 6. SNI: Greater Gardner. CEQA: Exempt.

Staff Recommendation:

Uphold the Director's decision to deny a Tree Removal Permit to remove one Monterey Pine tree as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Zito)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider adding a Study Session on Reasonable Accommodation on December 6, 2006, from 5:00 – 6:30 p.m.

8. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
Mon. November 13	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Discussion of City Retail Strategy</i>			
Mon. November 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
November 29	6:30 p.m.	Regular Meeting	W-118 / 119
December 6	6:30 p.m.	Regular Meeting	Council Chambers